

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARBARA PRINCIOTTA

Plaintiff,

v.

TANAGER FINANCIAL
SERVICES, INC.

Defendant.

04 10628 RGS

Civil Action No. _____

MAGISTRATE JUDGE Alexander

RECEIPT # 54944
AMOUNT \$ 50
SUMMONS ISSUED N/A
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. FOM
DATE 3/31/04

NOTICE OF REMOVAL

Defendant, Tanager Financial Services, Inc. ("Tanager"), hereby files this Notice of Removal of the above-captioned action from the Middlesex County Superior Court, pursuant to 28 U.S.C. §§ 1441 and 1446. In support of this Notice, Tanager states as follows:

1. On or about February 2, 2004, Plaintiff, Barbara Principiotta, filed Barbara Principiotta v. Tanager Financial Services, Inc., Civil Action No: MICV2004-00413F, in the Middlesex County Superior Court ("Superior Court Case").
2. Tanager was served with copies of the Summons and Complaint in the Superior Court Case on or about March 12, 2004. Pursuant to 28 U.S.C. § 1446(a), a true and accurate copy of the Summons and Complaint is attached hereto as Exhibit A.
3. Removal from the Superior Court to this Court is proper pursuant to 28 U.S.C. § 1441(b). This Court has removal jurisdiction because it would have had original jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), in that the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States as this action is filed under the Family Medical

Leave Act of 1993. Plaintiff, Barbara Princiotta, is a resident of Norfolk County, Massachusetts and is a Massachusetts citizen. See Exhibit A. Defendant, Tanager Financial Services, Inc., is a Massachusetts corporation with its principal place of business in Waltham, Massachusetts.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty days after Tanager's receipt of service of the Summons and Complaint.

5. Written notice of the filing of this Notice of Removal will be given promptly to Plaintiff and, together with a copy of the Notice of Removal, will be filed with the clerk of the Superior Court, as provided by 28 U.S.C. § 1446(d).

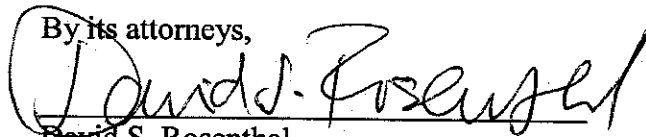
6. Defendant will file with the Court attested copies of all records, proceedings and docket entries in the state court within thirty days, pursuant to Local Rule 81.1.

WHEREFORE, Defendant Tanager Financial Services, Inc. respectfully requests that the above action now pending against it in the Superior Court be removed to the United States Court for the District of Massachusetts.

Respectfully submitted,

TANAGER FINANCIAL SERVICES, INC.,

By its attorneys,



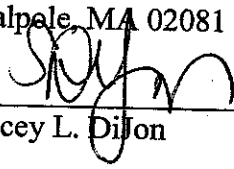
David S. Rosenthal
Stacey L. DiJon
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110-2131
(617) 345-1000

Dated: March 31, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2004, a true copy of the foregoing Notice of Removal was served by overnight mail on:

Sabina T. Carty
Law Offices of Sabina T. Carty
944 Main Street, Suite 9B
Walpole, MA 02081



Stacey L. Dillon